

JEFFREY A. SMITH, ESQ.

Colorado Bar No. 31038

Motion for Permission to Practice

Pro Hac Vice and Designation of

Local Counsel Pursuant to

LR IA 10-2 Pending

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Attorneys for Defendant

INFONOW CORPORATION dba

CHANNELINSIGHT

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

NAHUM RAND,

Plaintiff,

vs.

MICHAEL PATSALOS-FOX; PAUL
BARTLETT; MICHAEL PATTERSON; TIM
CONNOR; RHO VENTURES; VEDANTA
CAPITAL LP; SEQUEL VENTURE
PARTNERS; INFONOW CORPORATION dba
CHANNELINSIGHT; DOES I through X,
inclusive; and ROE CORPORATIONS I
through X, inclusive,

Defendants.

Case No.: 2:15-cv-01510-RFB-GWF

**STIPULATION TO EXTEND TIME FOR
DEFENDANTS MICHAEL PATSALOS-
FOX, MICHAEL PATTERSON AND
VEDANTA CAPITAL, LP TO RESPOND
TO PLAINTIFF'S FIRST AMENDED
COMPLAINT [1-1]**

(Second Request)

1 Defendant INFONOW CORPORATION dba CHANNELINSIGHT (“InfoNow”) and
2 Plaintiff NAHUM RAND, by and through their counsel of records, hereby stipulate to allow
3 Defendants Michael Patsalos-Fox, Michael Patterson and Vedanta Capital, LP (collectively,
4 “Defendants”) an extension of time to file their responses to Plaintiff’s First Amended Complaint
5 [Dkt. 1-1]. In furtherance of the Stipulation, Defendants state as follows:

6 1. Defendants’ response to the First Amended Complaint is due on Tuesday, August
7 25, 2015.

8 2. On August 20, 2015, Defendants filed their First Stipulated Extension of Time to
9 Respond to the First Amended Complaint [Dkt. 7] (“First Extension”), which the Court approved
10 on August 24, 2015 [Dkt. 9].

11 3. One of the main reasons for the First Extension was to allow the parties to address
12 personal jurisdiction issues and avoid burdening the Court and the parties with unnecessary
13 motions to dismiss for lack of personal jurisdiction.

14 4. To resolve the personal jurisdiction issue, the parties agreed to transfer this case to
15 the District of Colorado, where Defendant would be subject to personal jurisdiction. On August
16 31, 2015, the parties filed their Joint Stipulation and Order to Transfer Case to the District of
17 Colorado Pursuant to 28 U.S.C. § 1404 [Dkt. 10] (“Joint Stipulation to Transfer Venue to
18 Colorado”).

19 5. The Court has not yet taken action on the Joint Stipulation to Transfer Venue to
20 Colorado. The parties, therefore, have stipulated to a second extension of time to allow
21 Defendants fourteen days following the Court’s action on the Joint Stipulation to Transfer Venue
22 to Colorado to respond to the First Amended Complaint.

23 6. Plaintiff’s counsel, Erik W. Fox, has stipulated to the requested extension of time.

24 7. This is the second extension of time sought by Defendants.

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1 8. The requested extension will not prejudice the Court since the extension will
2 avoid requiring Defendants to file unnecessary motions to dismiss for lack of personal
3 jurisdiction. On the other hand, Defendants would be severely prejudiced if required to spend
4 thousands of dollars on motions that are moot in light of the Joint Stipulation to Transfer Venue
5 to Colorado. Plaintiff also would be prejudiced in having to spend equal amounts of money and
6 time in responding to moot motions.¹

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27 ¹ Defendants also have Fed.R.Civ.P. 12(b)(6) motions to dismiss and they would suffer additional
28 prejudice if they have to file those motions prior to the Court acting on the Joint Stipulation to Transfer
Venue to Colorado because, if the Court were to deny the requested transfer, Defendants would be in a
situation where they could be deemed to have waived a motion to dismiss under Fed.R.Civ.P. 12(b)(2).

1 WHEREFORE, for the foregoing reasons, Defendants respectfully request that the Court
2 accept this Stipulation and extend the time for Defendants to respond to the First Amended
3 Complaint to fourteen (14) days after the Court takes action on the Joint Stipulation to Transfer
4 Venue to Colorado.

5 DATED this 9th day of September, 2015.

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7 /s/ Jeffrey A. Smith

8 JEFFREY A. SMITH, ESQ.

9 Colorado Bar No. 31038

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22 *CHANNELINSIGHT*

23 /s/ Erik W. Fox

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Attorneys for Defendant INFONOW

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CHANNELINSIGHT

IT IS SO ORDERED.

Dated: September 10, 2015



GEORGE FOLEY, JR.

United States Magistrate Judge

CERTIFICATE OF SERVICE

Pursuant to Local Rule 5 of this Court, I certify that I am an employee of Springel & Fink LLP and that on this 9th day of September, 2015, I caused a correct copy of the foregoing **STIPULATION TO EXTEND TIME FOR DEFENDANTS MICHAEL PATSALOS-FOX, MICHAEL PATTERSON AND VEDANTA CAPITAL, LP TO RESPOND TO PLAINTIFF'S FIRST AMENDED COMPLAINT [1-1] (Second Request)** to be served via CM/ECF to:

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/s/ Erin L. Wood
An employee of Springel & Fink LLP